

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

NOKIA TECHNOLOGIES OY,

Plaintiff,

v.

**LENOVO (SHANGHAI) ELECTRONICS
TECHNOLOGY CO. LTD., LENOVO
GROUP, LTD., LENOVO BEIJING, LTD.,
LENOVO PC HK LIMITED, AND
LENOVO (UNITED STATES), INC.,**

Defendants.

CIVIL ACTION NO.

5:19-CV-00427-BO

**PLAINTIFF NOKIA TECHNOLOGIES OY'S RESPONSE TO LENOVO
(UNITED STATES) INC.'S MOTION TO STAY**

Plaintiff Nokia Technologies Oy (“Nokia”) responds to Lenovo’s Motion to Stay as follows:

1. Nokia does not oppose Lenovo’s request for a mandatory stay of the claims for infringement of the five patents at issue in the International Trade Commission (“ITC”) case and Lenovo’s counterclaims before this Court related to those patents. The ITC has set a target date to conclude its investigation on December 10, 2021. By statute, Lenovo is entitled to request a stay as to the patents in the ITC case and has timely made its request.
2. Nokia also does not oppose Lenovo’s request for a discretionary stay of the remaining claims in this case, including the claims for infringement of the six patents not at issue in the ITC and Lenovo’s counterclaims. The patents claim subject matter (H.264 video coding) related to most of the patents asserted in the ITC. Subject to the reservation of rights in paragraph 4, Nokia agrees that the parties and Court can save resources by staying this case until the ITC investigation is concluded.
3. With regard to mediation, Nokia finds Lenovo’s request for a mediation carve-out from the stay odd and potentially unworkable. Further, Nokia believes there is no compelling reason for the Court to do so. The parties are free to continue to pursue mediation voluntarily if they so choose and to this end the parties intend to proceed with a mediation scheduled for September 21st regardless of whether this case is stayed. Staying the mediation deadline, along with all the other deadlines, will give the parties and the mediator additional scheduling flexibility in the event there needs to be follow on mediation sessions or scheduling changes, such that the parties will not need to approach the Court to seek approval of scheduling changes. Moreover, the Scheduling Order in the ITC case already requires the parties to complete mediation by February 26, 2021 (a date which the parties agreed to). The

parties will therefore conduct mediation under the auspices of the ITC proceeding. If the Parties are unable to resolve their licensing dispute by the end of the ITC case, this case may then be un-stayed and a new scheduling order entered. In all likelihood, that order will include an appropriate mediation deadline.

4. Nokia's non-opposition to Lenovo's discretionary stay request is made with an important reservation of rights. In the event that, during any granted stay by this Court, Lenovo and/or its H.264-related suppliers file any separate actions relating to the claims or issues in this case against Nokia, Nokia reserves its right to seek to lift the discretionary stay in this case, as the first-filed action, and to seek all appropriate relief against any such other action(s) that have been filed.

Date: September 14, 2020

Respectfully submitted,

/s/ Theodore Stevenson, III
Theodore Stevenson, III
TX State Bar No. 19196650
tstevenson@mckoolsmith.com
Warren Lipschitz
TX State Bar No. 24078867
wlipschitz@mckoolsmith.com
Richard A. Kamprath
TX State Bar No. 24078767
rkamprath@mckoolsmith.com
Albert M. Suarez IV
asuarez@mckoolsmith.com
TX State Bar No. 24113094
MCKOOL SMITH, PC
300 Crescent Court, Suite 1500
Dallas, TX 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

*COUNSEL FOR PLAINTIFF NOKIA
TECHNOLOGIES OY*

/s/ Matthew P. McGuire
Matthew P. McGuire
N.C. State Bar. No. 20048
ALSTON & BIRD LLP
555 Fayetteville Street, Suite 600
Raleigh, NC 27601
Telephone: (919) 862-2200
Facsimile: (919) 862-2260
E-mail: matt.mcguire@alston.com

*LOCAL CIVIL RULE 83.1(D) COUNSEL
FOR PLAINTIFF NOKIA TECHNOLOGIES OY*

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2020, a true and correct copy of the above and foregoing Plaintiff Nokia Technologies OY's Response to Lenovo's Motion to Stay was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification to the attorneys of record for all parties.

/s/ Matthew P. McGuire
Matthew P. McGuire
N.C. State Bar. No. 20048
ALSTON & BIRD LLP
555 Fayetteville Street, Suite 600
Raleigh, NC 27601
Telephone: (919) 862-2200
Facsimile: (919) 862-2260
E-mail: matt.mcguire@alston.com

*LOCAL CIVIL RULE 83.1(D) COUNSEL
FOR PLAINTIFF NOKIA TECHNOLOGIES OY*